

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

KEITH SULLIVAN,  
Plaintiff,  
v.  
WARDEN, et al.,  
Defendants.

Case No.: 3:25-cv-00153-MMD-CLB

**ORDER**

**I. DISCUSSION**

On March 18, 2025, Plaintiff, an inmate in the custody of the Nevada Department of Corrections (“NDOC”), initiated this case with a motion for an extension of time to file a notice of appeal. (ECF No. 1-1). It is not clear what Plaintiff is trying to appeal or whether this case was opened inadvertently. Plaintiff cannot initiate an appeal of either a state court case or a federal court case in this action.

To the extent that Plaintiff is seeking to appeal a lower state court decision, he must bring the appeal to the appropriate state court. If Plaintiff is seeking to appeal a decision of the Nevada Supreme Court, he must file a writ of certiorari with the United States Supreme Court. If Plaintiff wishes to appeal a decision from a United States District Court, he must file an appeal with the appropriate appellate court. An appeal from a decision in the District of Nevada should be brought before the Ninth Circuit Court of Appeals.

To the extent that Plaintiff is attempting to initiate a civil rights case, the Court notes that under Federal Rule of Civil Procedure 3, “[a] civil action is commenced by filing a complaint with the court.” Fed. R. Civ. P. 3. Plaintiff has not filed a complaint and therefore he has not commenced a civil rights action. The Court grants Plaintiff **until April 21, 2025**, to submit a complaint to this Court. Alternatively, if Plaintiff initiated this case inadvertently, he may file a notice to voluntarily dismiss this case.

1 Plaintiff has also not filed an application to proceed *in forma pauperis* or paid the  
2 \$405 filing fee. This Court must collect filing fees from parties initiating civil actions. 28  
3 U.S.C. § 1914(a). “Any person who is unable to prepay the fees in a civil case may apply  
4 to the court for leave to proceed *in forma pauperis*.” Nev. Loc. R. LSR 1-1. For an inmate  
5 to apply for *in forma pauperis* status, the inmate must submit **all three** of the following  
6 documents to the Court: (1) a completed **Application to Proceed in Forma Pauperis**  
7 **for Inmate**, which is pages 1–3 of the Court’s approved form, that is properly signed by  
8 the inmate twice on page 3; (2) a completed **Financial Certificate**, which is page 4 of the  
9 Court’s approved form, that is properly signed by both the inmate and a prison or jail  
10 official; and (3) a copy of the **inmate’s prison or jail trust fund account statement for**  
11 **the previous six-month period**. See 28 U.S.C. § 1915(a)(1)–(2); Nev. Loc. R. LSR 1-2.  
12 *In forma pauperis* status does not relieve an inmate of his or her obligation to pay the  
13 filing fee, it just means that the inmate can pay the fee in installments. See 28 U.S.C.  
14 § 1915(b).

## 15 II. CONCLUSION


16 It is therefore ordered that Plaintiff has **until April 21, 2025**, to submit a complaint  
17 to this Court.

18 It is further ordered that Plaintiff has **until May 20, 2025**, to either pay the full \$405  
19 filing fee or file a new fully complete application to proceed *in forma pauperis* with all three  
20 required documents: (1) a completed application with the inmate’s two signatures on page  
21 3, (2) a completed financial certificate that is signed both by the inmate and the prison or  
22 jail official, and (3) a copy of the inmate’s trust fund account statement for the previous  
23 six-month period.

24 Plaintiff is cautioned that this action will be subject to dismissal without prejudice if  
25 he fails to timely comply with this order. A dismissal without prejudice allows Plaintiff to  
26 refile the case, under a new case number, when Plaintiff can file a complaint and either  
27 file a complete application to proceed *in forma pauperis* or pay the required filing fee.

1 The Clerk of the Court is directed to send Plaintiff Keith Sullivan: (1) the approved  
2 form for filing a 42 U.S.C. § 1983 complaint and instructions for the same; and (2) an  
3 application to proceed *in forma pauperis* for an inmate and instructions for the same.

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5 DATED THIS 21st day of March 2025.

6   
7 UNITED STATES MAGISTRATE JUDGE  
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